DOCUMENT RESUME

ED 224 265 EC 150 652

AUTHOR	Baca, Leonard; Bransford, Jim
TITLE	An Appropriate Education for Handicapped Children of Limited English Proficiency. Special Education in America: Its Legal and Governmental Foundations Series.
INSTITUTION	ERIC Clearinghouse on Handicapped and Gifted Children, Reston, Va.
SPONS AGENCY	National Inst. of Education (ED), Washington, DC.
PUB DATE	82
CONTRACT	400-81-0031
NOTE	31p.; For related documents, see EC 150 651-653.
AVAILABLE FROM	The Council for Exceptional Children, Publication Sales, 1920 Association Dr., Reston, VA 22091 (Publication No. 254, $4.00).
PUB TYPE	Information Analyses - ERIC Information Analysis Products (071) -- Branch Around (888)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Bilingual Education Programs; Court Litigation; Delivery Systems; *Disabilities; *Educational Policy; Elementary Secondary Education; *Federal Legislation; *Limited English Speaking; Literature Reviews; Program Descriptions; Program Effectiveness

ABSTRACT

Part of a series on the legal and governmental foundations governing education of handicapped and gifted children, the booklet focuses on bilingual special education. A review of the literature covers studies which have been conducted in a variety of bilingual program settings in the United States and several other countries. Cited among findings are that children involved in learning environments employing the use of two languages perform at a level equal to or higher than their monolingual counterparts, and although handicapped children of limited English proficiency have not been properly served by the public schools, there are a number of exemplary programs. Federal legislation and court cases relating to bilingual special education are examined. Significant issues in the provision of bilingual special education are discussed, including accessibility, resources, cost of programs, personnel preparation, parental and community support, and program evaluation. Finally, current requirements according to the Office for Civil Rights are listed; and examples of policy options are offered relating to screening, acceptable tests, testing guidelines, bilingual advocates, establishment of primary needs, use of parents' language, establishment of primary responsibilities, comprehensive services, use of existing services, bilingual special education, supplementary services, tutorial services, parent and community involvement, accessibility, removal of barriers, exit criteria, inservice training, teacher certification, and teacher training. (SW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED224265

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

Leonard Baca
Jim Bransford

SPECIAL EDUCATION IN AMERICA ITS LEGAL AND GOVERNMENTAL FOUNDATIONS SERIES

AN APPROPRIATE EDUCATION FOR HANDICAPPED CHILDREN OF LIMITED ENGLISH PROFICIENCY

A product of the ERIC Clearinghouse on Handicapped and Gifted Children

The Council for Exceptional Children

EC 150652

Leonard Baca is Associate Professor of Education and Director of the BUENO Center for Multicultural Education, University of Colorado, Boulder, Colorado.

Jim Bransford is Assistant Professor of Education and Associate Director of the BUENO Center for Multicultural Education, University of Colorado, Boulder, Colorado.

A publication of the ERIC Clearinghouse on Handicapped and Gifted Children. Publication Date, 1982.

The Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091

The material in this publication was prepared pursuant to contract no. 400-81-0031 with the National Institute of Education, U.S. Department of Education. Contractors undertaking such projects under Government sponsorship are encouraged to express freely their judgment in professional and tehcnical matters. Prior to publication, the manuscript was critically reviewed for determination of professional quality. Points of view or opinions, however, do not necessarily represent the official view or opinions of either the clearinghouse's parent organization or the National Institute of Education.

Cover design by Angie Culfogienis

ABOUT THE SERIES

The past two decades have brought about dramatic changes in the fundamental policies governing special education. Terms that today glibly roll from our tongues, such as the right to education, IEP, due process, nondiscriminatory assessment, zero reject, and least restrictive environment, were not a part of our lexicon only a decade ago. Today it is not sufficient to simply know how to teach in order to be a teacher; to know how to manage in order to be an administrator; or to know how to care in order to be a parent. Today, and in the future before us, all persons involved in special education must be fully knowledgeable of the legal and governmental foundations governing education of handicapped and gifted children. It is to this purpose that this series is devoted.

It is natural that The Council for Exceptional Children undertake this series due to its role as the authority and resource educators look to for guidance in providing an appropriate education for their handicapped and gifted students. CEC has been a dominant force in translating the fundamental precepts of special education into policies that provide basic protections for exceptional children and their families. In fact, the policy research activities of CEC have provided the models upon which many federal, state and provincial, and local policies have been formulated and evaluated. CEC's activities at all levels of government have been a major force in the adoption, implementation, and enforcement of progressive public policy. And finally, through its publications, training materials, conventions, workshops, technical assistance, and other services, CEC has been a major resource whereby policy makers and utilizers understand policy and translate it into action.

This series represents a next step in the evolution of CEC's public policy publications. The flagship text for the series, Special Education in America: Its Legal and Governmental Foundations, edited by Joseph Ballard, Bruce Ramirez, and Frederick Weintraub, provides the basic knowledge that every general and special educator and parent of an exceptional child should have. The text is designed for use in professional training programs as well as a basic information resource for practitioners and parents. It is not a book writen for lawyers—the editors have tried to follow the old axiom, "keep it simple," to assure a style that is understandable to the general public. Chapter authors were selected because of their extensive knowledge of the subject and their ability to communicate this knowledge in understandable terms. The supplemental works of the series, published as ERIC Exceptional Child Education Reports, provide more intensive information in specific subject areas, but do not repeat the basic information contained in the primary text. For example, the reader whose primary interest is in early childhood special education policy issues would first want to obtain a knowledge base in special education policy by reading Special Education in America: Its Legal and Governmental Foundations, and then turn to Policy Considerations Related to Early Childhood Special Education, by Dr. Barbara J. Smith, for a thorough treatment of this specific policy area.

Some may ask, "Why publish a special education public policy series when so many proposals for change are being promoted?" Public Policy is dynamic and, thus, is always in a state of change. However, the fundamental policy principles tend to evolve over time on a steady course, while the more detailed requirements tend to shift with the political and economic winds. Therefore, the primary text of the series serves as a basic work that will have reasonable longevity, while the more detailed supplemental publications, such as this one, will have a shorter life span and will be updated accordingly. Further, we believe that in a period in which change is being discussed, it is imperative that persons affected by such changes understand the nature and evolution of present policies so that they can better assess and contribute to the changes being proposed.

Frederick J. Weintraub

TABLE OF CONTENTS

	PAGE
Introduction	1
The Effectiveness of Bilingual Education and Bilingual Special Education	2
Bilingual Education	2
Bilingual Special Education	4
Exemplary Practices	5
Historical and Legal Overview	6
Federal Legislation	7
Court Decisions	8
Significant Issues in Provision of Bilingual Special Education	11
Accessibility	11
Resources	12
Cost of Programs	13
Personnel Preparation	13
Parental and Community Support	15
Program Evaluation	15
Current Requirements and Policy Options	15
Current Requirements	15
Policy Options	17
References	22

INTRODUCTION

With the passage of P.L. 94-142, The Education for All Handicapped Children Act of 1975, and Section 504 of the Rehabilitation Act of 1973, handicapped children are guaranteed an appropriate education to meet their unique educational needs. Although no federal legislation deals specifically with children who are both handicapped and of limited English proficiency, educational research has increasingly focused attention on the unique needs of these children, and recent litigation has affirmed the right of such students to receive appropriate bilingual special education services. The linking of these two delivery systems—bilingual education and special education—is without a doubt one of the greatest challenges facing special educators today (Baca, 1980a).

Different types of programs exist for students who have varying degrees of English proficiency. Bilingual education is given in two languages, one of which is English. The program encompasses all or part of the curriculum and includes the study of the history and culture associated with the mother tongue. Programs for individuals of limited English proficiency are designed for students who come from homes where languages other than English are relied upon for communication. These students do not understand, speak, read, or write English well enough for it to be used successfully to deliver instruction.

Bilingual education can be further differentiated according to specific goals. A transitional bilingual program is one that utilizes the native language and culture of the student only to the extent that it is necessary for the child to acquire English and thus function in the regular school curriculum. This program does not teach the student to read or write in his/her native language. A maintenance bilingual program also promotes English language acquisition; however, it endorses the idea that there is value in linguistic and cultural diversity. Thus, it encourages children to become literate in their native language and to use their bilingual skills throughout their schooling and adult lives. All federal and state legislation presently embraces the transitional approach to bilingual education. These laws, however, do not prohibit local districts from using local resources to implement a maintenance approach if they so desire.

Bilingual special education in the ideal sense may be defined as the use of the home language and culture along with English in a program of special instruction individually designed for the student. In bilingual special education, the child's language and culture are considered to be the foundations upon which an appropriate education can be built. The basic educational paradigm is to move the handicapped child from the known to the unknown through preferred cultural and linguistic communicative mediums. In some cases, a handicapped child of limited English proficiency is placed in a self-contained bilingual special education classroom; or, the child might be placed in a regular special education program and also participate in a bilingual resource room for a short period each day. The major determinants of the bilingual special education program design are the unique educational needs of each student.

THE EFFECTIVENESS OF BILINGUAL EDUCATION AND BILINGUAL SPECIAL EDUCATION

The following review of the literature on bilingual education presents the findings of studies which have been conducted in a variety of bilingual program settings in the United States and several other countries. Also discussed are some findings of bilingual special education studies.

Bilingual Education

Modaino's (1968) study of the comparison of Spanish Direct Teaching and Indian Language Approach in Chiapas, Mexico, indicated that after three years students who had been initially taught in their native language and then in Spanish had higher reading comprehension, as measured by a Spanish reading test, than those children who had been taught only in Spanish. Modaino's findings supporting the use of the child's native language in initial reading have been substantiated by other studies, such as those of Barrera-Vasquez (1953) with Tarascan Indians, Burns' (1968) study of Quechua Indians, and Osterburg's (1961) findings on dialect-speaking Swedish children.

Gudschinsky (1971) studied the Native Language Approach used in the mountains of Peru. The children in this project were exposed to Quechua, their native language, as the medium of instruction for the first two years and then were moved into Spanish. Gudschinsky found that more children remained in schools under this system and the work done was superior to that done by comparable students who were not in the bilingual program.

Worral (1970) studied Afrikaans-English bilinguals, ages 4 to 6 and 7 to 9, in Pretoria, South Africa. Each bilingual child was matched with two monolingual children—one Afrikaans-speaking and the other English-speaking—on intelligence, age, sex, school grade, and social class. On a phonetic preference test, the preschool bilinguals showed greater ability to separate the sound of a word from its meaning than did either of the monolingual groups. Worral concluded that bilingual children are aware earlier than monolinguals that different words can mean the same thing, since they are used to giving the same object two names, one for each of their languages.

Malherbe (1969) reported that the children involved in the bilingual schools in South Africa performed significantly better in language attainment (in both languages), geography, and arithmetic than comparable monolingual children. Malherbe's study is one of the few which controlled for students' intelligence. As a result of his investigation, Malherbe stated:

> There is a theory that while the clever child may survive the use of the second language as a medium the duller child suffers badly. We therefore made the comparison at different intelligence levels and found that not only the bright children but also the children with below normal intelligence do better school work all around in the bilingual school than in the unilingual

> school. What is most significant is that the greatest gain for the bilingual school was registered in the second language by the lower intelligence groups. (p. 78)

Richardson's (1968) findings about the Coral Way Elementary School in Florida supports Malherbe's findings regarding the benefit of bilingual education. The Coral Way Program was similar to that of South Africa in that all subject matter was taught in both languages and the student population was mixed.

The San Antonio Texas Bilingual Study was designed to test the effectiveness of intensive oral language instruction in English and Spanish. An assessment by Taylor (1970) of oral language skills of students at the fourth and fifth grades showed that the intensive Spanish group was the highest on the English oral test. Arnold (1969) also found that these children had better reading retention. This finding is similar to that reported by Lambert and Tucker (1972), indicating that there can be transfer and learning in the other language without direct teaching. A five-year longitudinal study of the Santa Fe, New Mexico, bilingual program (Leyba, 1978) found that children in the bilingual program consistently performed better on academic achievement tests than the non-bilingual control group. The cumulative effect over the five-year period was statistically significant.

Cohen (1975) in his study of the Redwood City, California, bilingual program found that Mexican-American children who are taught in the academic curriculum in Spanish and English for several years are as proficient in English language skills as comparable Mexican-American children taught only in English. It was also reported that students in the bilingual programs, as compared to those students in the comparison group, gained a more positive appreciation of Mexican culture, and had better school attendance. Those students who had been in the bilingual program the longest were found to have positive attitudes toward school. In addition, parents of the bilingual group were more positive about the virtues of the Spanish language, not only as a means of preserving their heritage, but also for practical reasons such as enhancing their children's education and helping them to get a job.

Runkel (1982) also reports evidence that achievement in both English reading and mathematics of 3,000 students enrolled in bilingual education programs grew at a faster rate than non-enrolled students. The study found bilingual teachers, aides, and family interaction to be the factor most significantly related to student achievement.

The most well conceived, carefully conducted, and academically respected longitudinal study on bilingual education was conducted by Peal and Lambert (1962) in Montreal, Canada. This study differed radically from other studies in the following respects: (a) it was not a comparison of two models, but rather a demonstration of the value of the Direct Approach; (b) the children in this study spoke the dominant language

(English) and were learning the nondominant language (French) (in all other studies the subjects were minority groups learning the language of the majority); and (c) the parents were middle class and active in the education of their children, having conceived the project and supported it through six years. This well designed and tightly controlled study indicates that:

1. The children in the pilot group were identical to the English control group on achievement and intelligence. Their achievement is apparently unhampered by learning in a weaker language for four years. Moreover, retesting in the sixth grade showed that they were equivalent to English speakers on English exams.

2. The children in general had a high concept of themselves, and they identified fairly completely with the English Canadian set of values. However, in a questionnaire given to fourth and fifth graders, the children rated themselves as both English and French Canadian. Thus, they may have gained some qualities of biculturalism.

3. The experimental students appear to be able to read, write, speak, understand, and use English as competently as students in the English control group.

4. During the same period of time and with no apparent personal or academic costs, the experimental children have developed a competence in reading, writing, speaking, and understanding French that could never be matched by English students following a standard French-as-a-Second-Language program.

These studies and others demonstrate that children involved in learning environments which employ the use of two languages perform at a level equal to or higher than their monolingual counterparts. From this brief review of literature it has been shown that bilingual education is an effective educational methodology with the average child as well as children of lower intellectual ability.

Bilingual Special Education

Ten years ago bilingual special education programs for children of limited English proficiency were unheard of. Today, however, several programs to meet the special needs of these students are under way and are reporting remarkable success. For example, Sanua (1976) conducted a study with intellectually and physically handicapped students in Brooklyn, New York, and found that 78% showed progress in reading and 74% showed an improved self-concept when instruction was conducted bilingually. In another study, Baca (1975) found an improvement in attitudes as well as achievement among 15 mildly retarded students when informal and structured bilingual instruction was used in the classroom.

McConnell (1981) reported educationally and statistically significant performance gains among both high- and low-ability Spanish-speaking children

in a study which assessed an oral language curriculum designed to meet the needs of children in migrant settings.

Weiss (1980) found dramatic language and related learning improvement among 3- to 5-year-old handicapped bilingual students participating in the INREAL Program (INclass REActive Language), a Handicapped Children's Early Education Program (HCEEP) operating in the state of Colorado.

A 1979-80 Elementary and Secondary Education Act (ESEA) Title VII Basic Bilingual Education Program Final Report (Project Build, 1980) for School District Number 4 in New York City also found that an individualized program with a combined special education and bilingual education resource room was meeting needs of bilingual special education students with significant results.

Another program working with Spanish-speaking handicapped students in New York described significant improvement in student reading grades as measured by pre/post testing. This program was funded under Title I (Lesser, 1975).

Evans (1980) discusses some 18 other programs operating throughout the Central States that are reporting at least initial success working with handicapped bilingual children.

Exemplary Practices

Although handicapped children of limited English proficiency have in many instances not been properly served by the public schools, there are some notable exceptions. The State of Massachusetts and the Waukegan Public School District in Illinois were identified through a grapevine survey as providing leadership in this area.

It is not surprising that Massachusetts is a forerunner in providing bilingual special education services to limited-English-proficient students who are also handicapped. Massachusetts was the first state in the country to pass bilingual education legislation (in 1973), and since that time has provided leadership in various aspects of bilingual education. For example, since 1977 the State Department of Education has conducted a Bilingual Special Education Project (BISEP), affiliated with the State Division of Special Education and funded through state discretionary money. The project had as its ultimate goal the provision of quality bilingual special education programs for linguistic-minority special education students. Among the activities conducted by the project were regional workshops, a state-wide conference, a bilingual clearinghouse, a bilingual resource director, advocacy efforts, graduate training programs, and an interdisciplinary building team model (Landurand, 1980).

At the local school district level, BISEP generated a variety of models to provide services to the handicapped student of limited English proficiency throughout Massachusetts. These include tutoring by paraprofessionals; the use of itinerant bilingual special education teachers; the

generic bilingual special education resource room; and a few self-contained, bilingual special education classes for the more severely handicapped. Local school districts in Massachusetts are also involved with a preschool screening program which is now available in 12 different languages. Finally, a substantial effort is also being made in the area of training parents of the bilingual handicapped child.

The Waukegan Public Schools in Illinois is regarded by many as a leader in the area of bilingual special education. The district is currently working with 18 different language groups, the largest of which is the Hispanic group. In this district, the special education program works very closely with the bilingual education program. The basic policy is that no limited-English-proficient child is referred for special education services unless the bilingual program is alerted and makes the referral (Abbott, 1980). Resource teachers all have credentials in special education, and both teachers and aides are bilingual. Students who are more severely handicapped are served in categorical centers where bilingual teachers and aides are available to work individually with them. Students from non-Hispanic language groups are served in multilanguage classrooms by certified special education teachers and bilingual aides. The very young children from ages 3 to 6 are served through the Waukegan Early Evaluation Program (WEEP). In this program bilingual aides work with high-risk children in their native languages.

HISTORICAL AND LEGAL OVERVIEW

As one reviews the literature of the past 20 years, it becomes obvious that bilingual children have not always had a positive experience with special education. As far back as the early 1960's, professionals within the field began to question special education practices. The most striking condemnation of these practices was issued by Dunn (1968) when he wrote:

> A better education than special class placement is needed for socioculturally deprived children with mild learning problems who have been labeled educable mentally retarded. . .. The number of special day classes for the retarded has been increasing by leaps and bounds. The most recent 1967-68 statistics compiled by the US Office of Education now indicate that there are approximately 32,000 teachers of the retarded employed by local school systems—over one-third of all special educators in the nation. In my best judgment about 60-80 percent of the pupils taught by these teachers are from low status background including Afro-American, American Indians, Mexicans, and Puerto Rican American; those from non-standard English-speaking, broken, disorganized, and inadequate homes; and children from other non-contained special schools and classes. This raises serious educational and civil rights issues which must be squarely faced. It is my thesis that we must stop labeling these deprived children as mentally

retarded. Furthermore, we must stop segregating them by placing them into our allegedly special programs. (pp. 5-6)

Mercer (1973) subsequently reported that Mexican-American children were placed into classes for the mentally retarded at a rate that was much higher than would be expected. According to Mercer's study, Mexican-American children were ten times as likely to be placed in special education as their Anglo counterparts.

Overrepresentation of bilingual children in classes for the mentally retarded has most often been attributed to biased assessment practices. Jones (1976) maintains that such bias occurs at three different levels:

- At the content level, where decisions are made about what items to include in a test.
- At the level of standardization, where decisions are made about the population for whom the test is appropriate.
- At the point of validation, where efforts are undertaken to determine whether or not tests accomplish what they have been designed to accomplish.

Up to the present time there have been no laws formulated to deal specifically with bilingual special education. What does exist is a legal history related to special education, a legal history related to bilingual education, and litigation related to bilingual special education.

Federal Legislation

Bilingual education is a relatively new concept in terms of federal legislation and support. The first federal bilingual legislation was Title VII of the Elementary and Secondary Education Act, known as the Bilingual Education Act, which was passed in 1968. The Act states:

> The Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques and methods; and (B) for that purpose, to provide financial assistance to local education agencies, and to state education agencies for certain purposes, in order to enable such local education agencies to develop and carry out such programs in elementary and secondary schools, including activities at the preschool level, which are designed to meet the educational needs of such children; and to demonstrate effective ways of providing, for children of limited English speaking ability, instruction designed to enable them, while using their native language, to achieve competence in the English language. (Cordasco, 1976)

There is nothing in this legislation, however, that speaks directly to the needs of handicapped bilingual students. Although the law as amended in 1974 and again in 1979 does not address the eligibility of this population, it nonetheless does not preclude their participation in programs supported by Title VII funds.

The right of bilingual handicapped children to receive bilingual special education services was clearly established with the passage of P.L. 93-112, the Rehabilitation Act of 1973, specifically in Section 504 of the Act, which states:

> No otherwise qualified handicapped individual in the United States as defined in Section 7(6) shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The enforcement of Section 504 of the Rehabilitation Act of 1973 and of Title VI of the Civil Rights Act of 1964 is a responsibility of the Office of Civil Rights (OCR). When OCR receives a complaint concerning discrimination on the basis of handicap, race, or national origin, it conducts an investigation and reports its findings within a specified period of time.

The Office of Civil Rights has made a policy decision to base any non-compliance complaints on 1970 guidelines, which specifically mandate schools to rectify language deficiencies that keep children from effectively participating in school and limit class assignment based on language skills (Education Drops Lau Remedies..., 1982).

The most significant legislation on behalf of handicapped children to date is Public Law 94-142, The Education for All Handicapped Children Act, passed by Congress in 1975. This legislation is especially significant for the bilingual child because it includes a provision for nondiscriminatory testing and calls for an appropriate education of each child, which is to be accomplished through a written individualized education program (IEP). Thus, P.L. 94-142 established the foundation for bilingual education. Through the IEP, a vehicle is provided for ensuring appropriate services to bilingual handicapped children, in that the IEP may contain the provision that instruction be carried out in a bilingual manner. Currently, California and Louisiana require the inclusion of bilingual goals and objectives and necessary bilingual programs and services in the IEP of bilingual handicapped students.

Court Decisions

A federal District Court in *United States* v. *Texas* (1971) found that a Texas school district had operated a *de jure* segregated school system and ordered as part of the remedy a bilingual program for Mexican-American students. In *Arvisu* v. *Waco Independent School District* (1974), the court found *de facto* segregation of Mexican-American pupils but acknowledged that such

segregation did not result from actions of the state. Consequently, the school district was ordered to expand and improve its current bilingual/bicultural program.

The U.S. Supreme Court in *Lau* v. *Nichols* (1974) handed down a far-reaching decision on behalf of linguistically different children. *Lau* was a class action suit on behalf of 1800 Chinese-speaking students in San Francisco. It was charged that the school district did not make any provisions for the plaintiffs' limited English language abilities, and thus denied them an equal educational opportunity. The court decided in favor of the plaintiffs and stated that school districts should provide instructional programs in a language that limited-English-speaking children could understand (Cordasco, 1976). The *Lau* decision referred to all children; thus, handicapped bilingual children have the right to be taught in their native language.

Another relevant case similar to *Lau* is *Serna* v. *Portales*, a class action suit on behalf of Spanish-speaking students in the Portales, New Mexico, School District. The court ruled in favor of the children and the district was ordered to implement a bilingual program.

Litigation specifically related to culturally diverse handicapped children has focused on discriminatory procedures for assessment, evaluation, placement, and re-evaluation. The decision handed down in *Larry P.* v. *Riles* (1974) prohibited the California Public Schools from further use of IQ tests in placing Black students in classes for the educable mentally retarded. In his decision, Federal Judge R.F. Peckham stated:

> We must recognize at the outset that the history of the IQ test, and of special education classes built on IQ testing, is not the history of neutral scientific discoveries translated into educational reform. It is, at least in the early years, a history of racial prejudice, or social Darwinism, and of the use of the scientific "mystique" to legitimate such prejudices. (Peckham, 1974)

These issues were challenged in other cases, such as *Lora* v. *Board of Education, New York* (1978); *Jose P.* v. *Ambach* (1979); *United Cerebral Palsy (UCP) of New York* v. *Board of Education* (1979); and *Dyrcia S., et al.* v. *Board of Education of the City of New York, et al.* (1979). Yet, only *Dyrcia S.* resulted in an order for the provision of bilingual special education for handicapped limited-English-proficient students.

In *Lora* v. *Board of Education, New York* (1978), the issue was a disproportionate assignment of Black and Hispanic students to special day schools for the emotionally disturbed. A lack of adequate facilities in the public schools resulted in racially and ethnically segregated schools that were more restrictive than appropriate. The District Court held that plaintiffs were discriminated against on the basis of race, in violation of the Fourteenth Amendment and the Civil Rights Act of 1964. It also held that, on constitutional grounds and according to P.L. 94-142 and Section

504, the program at the special day school was inadequate and plaintiffs suffered inadequate treatment in the referral, evaluation, and due process procedures.

Several other cases were subsequently filed in the Eastern District Court which had implications for children of culturally and/or linguistically diverse backgrounds. *Jose P.* v. *Ambach* (1979), a class action suit on behalf of all handicapped children between the ages of 5 and 21 who had been deprived of a free appropriate public education because of the failure of the Board of Education to promptly evaluate and place such children in suitable programs, was filed on February 1, 1979. *United Cerebral Palsy (UCP) of New York* v. *Board of Education* (1979) was a class action suit on behalf of UCP as an organization and all handicapped individuals with disabilities resulting from brain injury or other impairments to the central nervous system, residing in New York and legally entitled to a free appropriate public education. The case was filed on March 2, 1979, and raised a broad spectrum of issues involving the failure to provide appropriate special education services to such children. *Dyrcia S., et al.* v. *Board of Education of the City of New York, et al.* (1979) was brought on October 2, 1979 on behalf of Puerto Rican and other Hispanic children residing in New York City who have limited English proficiency and are handicapped, and who require bilingual/bicultural special education programs for which they were not being promptly evaluated and placed.

During a hearing held in the *Jose P.* case, the Board of Education admitted its failure to provide timely evaluation and placement of handicapped children. Subsequently, Judge Nickerson on May 10, 1979, issued a Memorandum and Order certifying the class, finding that the Board had failed to comply with state and federal requirements concerning the timely evaluation and placement of handicapped children, and appointing former Judge Marvin E. Frankel as a Special Master in the case. Following this action, Judge Nickerson on August 15, 1979, recognizing the overlap in the issues in the *Jose P.* and *UCP* cases and the participation of *UCP*'s counsel in the proceedings before the Special Master, issued an order in *UCP* deferring that case until the final report by the Special Master in *Jose P.*

Extensive negotiations followed under the supervision of the Special Master involving the plaintiffs in *Jose P.*, *UCP*, and *Dyrcia S.*, the defendants in the three cases, the Board of Education, and the State Education Department, as well as Advocates for Children and the Public Education Association acting as amici. On December 14, 1979, Judge Nickerson issued a comprehensive order in *Jose P.* following Judge Frankel's recommendations, which were based on the Board's own plan for reorganizing special education services and the negotiations among the parties and amici. Subsequently, on February 27, 1980, a consolidated judgment was issued in the *UCP* and *Dyrcia S.* cases, incorporating all of the provisions of the *Jose P.* order except the liability finding.

The judge felt that compliance with *Jose P.* would also satisfy the plaintiffs' claims in *UCP* and *Dyrcia S.* Although the Board of Education

did not consent to the *Jose P.* order and those of the related cases, it agreed not to appeal. The State Education Department appealed on the issue of its responsibility to assure compliance by the City; however, that appeal was dropped. A later appeal by the State was denied (Cantres, 1982).

The judgment issued by Judge Nickerson is a far-reaching remedial order which affects virtually every aspect of special education in New York City. The relief order included: (a) identification of children in need of special education services, (b) appropriate evaluation in all schools by April 1981, (c) appropriate programs in the least restrictive environment, and (d) due process and parental and student rights.

While the matter of bilingual special education is not presently before the nation's courts at the time of this writing, in 1981 the State Superintendent of Education in the State of California mandated that the Oakland Unified Schools hire a trained staff member to assure that appropriate bilingual special education could be obtained in the district.

Any further litigation will also rest on legislation establishing the right of a bilingual handicapped child to receive bilingual special education services.

Bergin (1980) emphasizes that cooperation is necessary between special education and bilingual education if bilingual handicapped children are to receive the appropriate education that is guaranteed them under the law:

> The law guarantees minority language handicapped students equal access of education. Special education and bilingual education must come together within the administrative structure of a school system to provide, in practice, what the law requires.

SIGNIFICANT ISSUES IN PROVISION OF BILINGUAL SPECIAL EDUCATION

As has been shown, the fact that handicapped students who are of limited English proficiency have the right to participate in bilingual education programs is clearly established. Whether or not they do, in fact, participate in bilingual programs is based on many factors, including decisions that the IEP staffing team makes in consultation with the student's parents.

Accessibility

The opportunity to participate in a bilingual program is based on both the availability and accessibility of the program. In spite of the fact that during the past ten years many school districts have initiated bilingual programs with either federal, state, or local funds, in reality only a small number of the eligible students have access to such programs.

It is quite possible for a bilingual handicapped student to live in a school district where there is no bilingual program and thus not have the opportunity to receive needed services.

Even if a handicapped student of limited English proficiency lives in a district where there is a bilingual program, the program itself must be accessible in order to ensure participation. Accessibility can be based primarily on the program design. A "pull-out" program (i.e., a part-time program away from the regular education program), a bilingual resource room, or an itinerent teacher program can all be made accessible. The only way a handicapped limited-English-proficent student could participate in a self-contained bilingual class would be if he or she were to participate in a specific class, such as reading, or if the student were being totally mainstreamed.

Generally, program options for the handicapped bilingual student are much more limited than they are for the nonhandicapped bilingual student. Physical, personnel, and policy barriers exist that might prevent a handicapped student of limited English proficiency from full and meaningful participation in a bilingual program. Schools still exist which do not have the proper equipment and adaptations, such as elevators, ramps, and handrails. Restrooms are not always properly designed or equipped to meet the needs of the physically handicapped. Personnel barriers, such as lack of adequate training and sensitivity on the part of bilingual teachers regarding the needs and characteristics of the handicapped are important issues. Also, school district policy may discourage participation of handicapped students in existing bilingual programs. These and other barriers which exist in local school districts must be removed in order for the handicapped limited English proponent (LEP) child to have full access to bilingual education services.

Resources

Other issues that must be addressed when discussing educational opportunity for handicapped limited-English-proficient students include supplementary aids and services which, though currently not generally available to such students, are essential in order for them to benefit from existing bilingual programs. Necessary supplementary aids include bilingual books and materials in large print, second-language Braille readers, magnification equipment, etc. Services include additional teacher aides and consulting bilingual special education teachers and counselors.

Because handicapped limited-English-proficient students are only able to participate in existing bilingual programs to a limited extent, there is a need for specially designed programs of instruction. A bilingual special education program designed by special educators could address important needs of these children if they were carried out in a bilingual context. Content should remain the same and include bilingual/bicultural methodology.

Other resources needed would include first—and most important—teachers, and second, instructional materials. Teachers must not only be trained in special education, but must also be bilingual and proficient in bilingual teaching methods. Materials in the student's native language must be developed and available. Lack of commercial materials necessitates that teachers adapt and construct many of their own materials.

Cost of Programs

In light of changing governmental roles and the tight economy, program costs have become an important issue. Both special education and bilingual education programs cost more to operate than regular education programs. Special education can cost up to twice as much as regular education. Bilingual education typically costs up to $200 to $300 more per student than regular education (Robledo, Zarate, Zamora, & Cardenas, 1978). Cost studies have not yet been completed on bilingual special education, but it is projected that any excess costs would be due to the special materials needed, since the costs for teacher aides and the lower teacher-pupil ratio are already accounted for. Therefore, the cost of a bilingual special education classroom should be comparable to a regular special education classroom.

In a limited study involving six local education agencies in California, Texas, and Washington, researchers found that the added cost of language assistance instruction ranged from $100 to $500 per student. The data collected indicated that self-contained classrooms were less costly than teacher pull-out programs with the most significant cost attached to administration and staff development activities (Carpenter-Huffman & Samulon, 1981).

Weiss (1980) indicated that bilingual special education was more expensive than regular education, but found that certain programs were less expensive to operate than others. The INREAL Treatment was found to be about half as costly as other programs studied. Weiss estimated that bilingual special education costs were anywhere from $150 to $500 higher than regular education. These findings were consistent with the earlier findings indicated by Robledo, Zarate, Zamora, and Cardenas (1978).

Personnel Preparation

Teacher training is one of the most critical areas that needs to be examined before bilingual special education programs can be implemented. At the present time very little is being offered by schools of education to prepare bilingual special education teachers. The few efforts that are under way in this type of teacher training are projects funded through the Division of Personnel Preparation, Special Education Programs, U.S. Department of Education. Such projects are relatively new and still in a developmental stage.

In anticipation of program development efforts, an attempt has been made to delineate the specific competencies that are needed by bilingual special education teachers. They were presented in a paper prepared for the American Association of Colleges for Teacher Education Bilingual Special Education Project (Baca, 1980b).

1. Language Compentencies. The bilingual special education teacher should at minimum be able to understand, speak, read, and write the native language of the student. This will allow for some native language teaching competency and open better lines of communication with participating parents.

2. Linguistic Skills. At a minimum, teachers should understand theory and process of first and second language acquisition, understand characteristics of languages, and be able to deal with the problem of interlanguage interference and transfer.

3. Assessment. Teachers should be able to administer a variety of language dominance/proficiency tests, conduct nondiscriminatory diagnostic assessment, evaluate the student from a social-environmental perspective, and construct and use criterion-referenced measures.

4. Instruction-Related Skills. At a minimum, teachers should have the skills and knowledge to prepare individualized education programs; adapt existing curricula and select new curricula to address the needs of special students; and revise, construct, and assess materials in appropriate languages.

5. Cultural Understanding. Teachers should be able to establish rapport with students from diverse cultural backgrounds, and ought to understand the process of acculturation and assimilation as well as the cultural significance of various handicapping conditions. Also, a teacher should be able to work with different community groups and to identify resources. An understanding of the history and culture and relationship between language and culture would also be helpful.

6. Parental Involvement Skills. At minimum, teachers must be able to understand the importance of parental involvement. They ought to understand cultural childrearing practices and be aware of any gaps between home and school. They should also be able to counsel parents on various aspects of the child's handicapping condition.

Perhaps the most important thing to be done in the area of teacher training is to convince Deans of Education and department personnel that the bilingual special education need exists. Once the need is recognized, each school can design a program that best suits its region and its faculty resources. The magnitude of the problems definitely requires that every school of education make some response to this critical need.

Parental and Community Support

Tied to the whole issue of program development, teacher training, and program accessibility is the issue of parental involvement. It is a key element of both bilingual and special education programs. Most of the gains of the exceptional child in terms of acceptance, programs, research, and other areas have been a direct result of the work of parents (Ayala-Vasquez, 1978). It is imperative that bilingual special education programs also have this strong element of parental support.

As any new program is being planned or developed, parents must be consulted and involved in the planning process. A knowledgeable and involved parent can be an invaluable member of the instructional team. There are many aspects of the instruction program that could be continued at home, and such continuity between home and school activities would certainly benefit the child.

The need for involvement also holds true for the community as a whole. While it is similar to parent involvement, in the planning and implementation of programs, community involvement is much broader. This type of involvement can be very beneficial, especially in assuring that all existing community resources are utilized by the program. A bilingual special education program will be much more effective and accepted if it has strong community support and cooperation.

Program Evaluation

The issue of program evaluation is paramount in the final analysis. The bilingual special education program will be successful only insofar as it has a positive impact on the children it serves. While there are many different models of evaluation, the most common procedure is to determine whether or not the objectives of the program are being accomplished. This involves a comparison between what one hopes to accomplish and what is actually happening. This type of evaluation is not limited to assessing the impact of the program on student achievement, but may also address other project objectives, such as inservice training. Such information will be important in identifying the school, community, and related factors which are either supportive of or obstacles to the program.

Evaluation becomes critically important for bilingual special education programs. It is through evaluation that decisions can be made which will redirect and improve, not only direct services, but the total design of the program, by addressing those issues which can lead to individual student progress and success.

CURRENT REQUIREMENTS AND POLICY OPTIONS

Current Requirements

Before proceeding to develop and discuss the various policy options related to providing services to handicapped children of limited English

proficiency, it could be helpful to list current requirements that school districts must comply with under *Lau*, Title VI of the Civil Rights Act of 1964, P.L. 94-142, and Section 504 of the Rehabilitation Act of 1973.

P.L. 94-142 applies to all handicapped children who require special education and related services, age 3 to 21 inclusive. Section 504 applies to all handicapped Americans regardless of age. However, close coordination has been maintained between P.L. 94-142 provisions and regulations and the Section 504 regulations. In most cases, all of the stipulations of P.L. 94-142 are treated as only "one means" of compliance under Section 504.

According to the Office for Civil Rights (Gutierrez, 1982), the current requirements are as follows:

1. Every state and its localities shall provide or make available a free appropriate public education for all handicapped children ages 3-18. (P.L. 94-142, Section 504)

2. Every school district shall conduct a language screening at the beginning of each school year for all new students to determine if there is the influence of a language other than English on the child. (Lau)

3. If the initial screening does find the influence of a language other than English, then a language assessment shall be made to determine language dominance and proficiency. (Lau)

4. If it is determined that a child is handicapped and is also found to be of limited English proficiency, then an individualized education program (IEP) shall be developed which reflects the child's language related needs. (Title VI, P.L. 94-142, Section 504)

5. When a child is evaluated, the instruments used shall be appropriate and the testing shall be nondiscriminatory. (P.L. 94-142, Section 504)

6. Tests and other evaluation materials must be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instructions provided by their producers. (P.L. 94-142, Section 504)

7. Tests and other evaluation materials must be tailored to assess specific areas of educational need and must not merely provide a single general intelligence quotient. (P.L. 94-142, Section 504)

8. Tests are to be selected and administered to ensure that, when administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills. (P.L. 94-142, Section 504)

9. In interpreting evaluation data and in making placement decisions, information shall be drawn from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. (P.L. 94-142, Section 504)

10. The parents of a child shall be informed in their native language of all due process rights. An interpreter shall be provided at all meetings if the parent cannot communicate in English. (Title VI, P.L. 94-142, Section 504)

The accuracy of the preceding requirements was reviewed by officials of the Regional Offices of the United States Department of Education Office for Civil Rights in San Francisco (Palomino, 1982) and Denver, Colorado (Gutierrez, 1982). The individuals commented on the general accuracy of this listing but caution, as indicated earlier in this paper, that the Department of Education is currently reviewing both the *Lau* policy and the P.L. 94-142 and Section 504 regulations. Although they feel that it would be premature to comment on the outcomes of such reviews, they suggest that any serious "reassessment" of present OCR policy "would" have far-reaching effects on current operations.

Policy Options

Following are examples of policy options relating to bilingual special education, along with certain potential consequences of each. These options represent alternatives to consider so that sound and reasonable policy decisions sensitive to local needs and political realities can be made.

1. Screening. Every school district will assure that its schools conduct a uniform language screening for all new students at the beginning of each school year to determine if any children are influenced by a language other than English.

   This option will increase the number of students identified as in need of special language-related services, and assure that all schools within a district use the same criteria and procedures for identifying students of limited English proficiency. It will, therefore, assist school districts in complying with the *Lau* decision. On the negative side, some may perceive this alternative to add an additional requirement to school districts already burdened with excessive bureaucratic red tape. Adding another level of identification and assessment to an already overly identified and assessed population may take time away from much-needed instruction.

2. Acceptable Tests. Every school district will adopt a list of acceptable language dominance and proficiency tests in the various necessary languages. If instruments are not available in certain languages, alternate methods of language assessment would be suggested.

This option would minimize the use of poorer quality instruments and/or procedures, include low-incidence languages, and provide for an acceptable standard for language assessment. However, it does not address questions of validity or reliability of the language assessment instruments used, nor ensure that appropriate instruments and procedures will be properly administered.

3. Testing Guidelines. Every school district will establish guidelines to assure that appropriate testing instruments are used and that all testing is nondiscriminatory in terms of language and culture.

   This opinion would contribute to improved language assessment of handicapped children of limited English proficiency and assure that assessment practices within each school district will be more consistent for this group of students. It will, therefore, allow more districts to be in compliance with P.L. 94-142. However, it does not assure that guidelines will be updated or that personnel needed to do the job are available.

4. Bilingual Advocates. Every school district will designate one or more bilingual specialists to participate in all staffings for handicapped children who are of limited English proficiency.

   By providing all bilingual handicapped children with an advocate on the staffing team, this option would ensure that IEP's include provisions related to language needs and, thereby, improve services. It does not, however, guarantee the specialist's knowledge of particular handicaps or of the various languages in the district, and could add an additional expense.

5. Establishing a Primary Need. Each staffing team will have the responsibility for determining whether the student's principal obstacle for learning in the regular classroom is the handicap or the language difference.

   This option would help ensure that the proper remedial emphasis is placed in the area of greatest need, thereby facilitating the development of an IEP and proper student placement. It does not address the difficulty of separating the impact of the handicap from the impact of the language difference.

6. Use of Parents' Language. Every school district will print parent due process rights in the appropriate target languages and will compile a list of available interpreters for the various languages.

   This would allow for printed material and interpreters to be available as needed for staffings. It will also provide for the meaningful involvement of linguistically different parents. It does not address problems related to languages that do not have an orthography.

7. Establishing Primary Responsibility. When the student's primary need has been determined, the student will become the major responsibility

of the appropriate program, either bilingual education or special education.

This option clearly establishes the lines of responsibility, assures proper follow up and restaffing, and promotes the use of the least restrictive placement. It could, on the other hand, be seen as bilingual education encroachment to special education and could create more problems than it solves.

8. Comprehensive Services. Every school district will design and implement a plan with various alternatives for serving the handicapped child of limited English proficiency.

This option would help ensure that appropriate programs are provided for handicapped limited-English-proficient children by allowing the staffing team the opportunity of selecting the most appropriate program, thereby facilitating compliance with *Lau*. However, it may be unrealistic in that school districts may not have the expertise, staff, and other resources to carry out this option.

9. Use of Existing Services. The school principal will ensure that, whenever possible, handicapped students in need of bilingual education will utilize the existing services of the bilingual program in the school building.

This would help reduce a duplication of effort and personnel, keep the students in their local school rather than busing them to special programs, and promote program accessibility by handicapped students. However, if existing bilingual programs are not able to meet the students' needs, it could lead to a fragmented educational experience and encourage matching the student to the program, rather than matching the program to the student.

10. Bilingual Special Education. When the number of handicapped students who are of limited English proficiency is large enough, a school district will design and implement a bilingual special education program.

This option will certainly assure students of an appropriate educational experience and eliminate fragmented "pull-out" programs, since teachers in such a program would be trained in both special education and bilingual education metholdogy. However, even if agreement could be reached on the interpretation of "large enough," properly trained personnel may not be available to staff such a program.

11. Supplementary Services. Each school district with an existing bilingual program will make every effort to provide supplementary materials and services to make the program more responsive to handicapped students of limited English proficiency.

This would improve the quality of services for the handicapped limited-English-proficient student within the mainstream of education, be more cost-effective, and encourage placement in the least restrictive environment. However, it could deter some districts from going a step further and establishing a bilingual special education program.

12. Tutorial Services. When no bilingual program or services are available or accessible, the school district will, at the very minimum, provide a native language tutor for every handicapped child of limited English proficiency.

This policy would assure a minimum level of service to handicapped limited-English-proficient children, and school districts would be held accountable for at least a minimum effort in meeting the needs of these students. However, this level of service may be too low—some children require more than just a native language tutor. Also, some districts may be deterred from providing more comprehensive services.

13. Parent and Community Involvement. Any school district planning to develop a bilingual special education program will involve parents and community members in the planning of the program.

On the positive side, parents involved in the planning of the program would be more supportive of the program and more likely to assist as volunteers, contributing especially in the area of language and culture. Some parents, however, may act more like observers than active participants. In addition, unless their roles are clearly delineated, conflicts could result.

14. Accessibility. Every school district with an existing bilingual program will, as a matter of policy, make it available to handicapped limited-English-proficient children.

This would encourage placement in the least restrictive environment and promote the maximum use of existing resources. But it could also deter some districts from implementing a bilingual special education program, since regular bilingual teachers may not be prepared to accept handicapped students into their classrooms.

15. Removal of Barriers. Every school district with an existing bilingual program will make every effort to remove any barriers that may prevent handicapped students of limited English proficiency from meaningful participation in the program.

This policy would promote placement in the least restrictive environment, help sensitize teachers and administrators to the needs of the handicapped, and make existing bilingual programs more available to the handicapped. On the negative side, some districts may feel that their responsibility ends here. Also, "barriers" may be misinterpreted to mean only physical barriers.

16. Exit Criteria. A school district's exit criteria for a bilingual special education program will be the same as the exit criteria for the regular bilingual program in terms of language dimension.

This option would assure fair and equitable treatment of the handicapped limited-English-proficient child, while assisting the district in adopting fair and consistent policies. But it could pose a problem for children placed in bilingual special education programs based on IEP's, rather than program criteria.

17. Inservice Training. Every school district will provide inservice training for the teachers, aides, and administrators who work with handicapped children of limited English proficiency.

This should promote existing staff skills, help bridge the gap between bilingual education and special education, and improve the quality of services provided to the children. It may be difficult, however, to identify trainers with the proper background. Also, districts may not be inclined to hire new teachers with appropriate training.

18. Teacher Certification. State Departments of Education Certification Units will establish criteria for certifying bilingual special education teachers, in consultation with representatives from local school districts and colleges or schools of education.

The establishment of standards would encourage schools of education to begin offering appropriate training and improve the quality of teacher training, thus improving the quality of services provided to handicapped children of limited English proficiency. However, the use of existing standards may allow for more flexiblity, therefore, not justifying the additional bureaucratic red tape involved in changing the criteria.

19. Teacher Training. Schools and colleges of education in high-impact areas will revise their training programs to include training experiences for teachers who will work in bilingual special education programs.

This would increase teacher availability, prompting colleges to become more responsive to needs in the field and improving the quality of services. On the negative side, colleges may not have the appropriate faculty to accomplish the task. Also, such an approach could add an additional year to the training program.

These policy options have been presented to give policy makers alternatives in providing the best possible and most appropriate continuum of services for handicapped children of limited English proficiency. They suggest strategies by which the two delivery systems of special education and bilingual education can cooperate and complement each other in attending to the unique needs of these individuals.

REFERENCES

Abbott, B. Personal interview, November 1980.

Arnold, R. Reliability of test scores for the young bilingual disadvantaged. Reading Teacher, January 1969.

Arvizu v. *Waco Independent School District*, 373 F. Supp. 1264 (WO Tex, 1974)

Ayala-Vasquez, N. Bilingual special education. In H. Lafontaine, et al., Bilingual Education. Wayne NJ: Avery Publishing Group, Inc., 1978.

Baca, L. Issues in the education of culturally diverse exceptional children. Exceptional Children, 46, 1980, p. 583. (a)

Baca, L. Bilingual special education teacher competencies. Boulder CO: AACTE's Bilingual Special Education Project, 1980. (b)

Baca, M. What's going on in the bilingual special education classroom? TEACHING Exceptional Children, 7, Fall 1974, p. 25.

Barrera-Vasquez. The Tarascan project in Mexico. In Use of vernacular languages in education. Paris: UNESCO, 1953.

Bergin, V. Special education needs in bilingual programs. Rosslyn VA: National Clearinghouse for Bilingual Education, 1980.

Burns, D. H. Bilingual education in the Andes of Peru. In J. A. Fishman, Language problems of developing nations. New York: Wiley and Sons, 1968.

Carpenter-Huffman, P., & Samulon, M. Case studies of delivery and cost of bilingual education. Report N-1684-ED. Santa Monica CA: Rand Corporation, April 1981.

Cantres, L. Telephone interview, February 1982.

Cohen, A. A sociolinguistic approach to bilingual education. Rowley MA: Newbury House Publishers, Inc., 1975.

Cordasco, F. Bilingual schooling in the US: A sourcebook for educational personnel. New York: McGraw-Hill, 1976.

Dunn, L. M. Special education for the mildly retarded—Is much of it justifiable? Exceptional Children, 35, 1968, pp. 5-21.

Dyrcia S. v. *Board of Education*, 79 Civ. 270 (1979)

ED drops *Lau* remedies in subtle policy change. Education Daily, 15 (71), April 14, 1982.

Evans, J. Model pre-school program for handicapped bilingual children. Austin TX: Southwest Educational Development Lab, December 1980.

Gudschinsky, S. C. Literacy in the mother tongue and second language learning. Paper presented at Conference on Child Language, Chicago IL, November 22-24, 1971.

Gutierrez, L. Personal interview, January 1982.

Jones, R. L. Mainstreaming and the minority child. Reston VA: The Council for Exceptional Children, 1976.

Jose P. v. *Ambach*, 79-C-270, New York (1979)

Lambert, W. E., & Tucker, R. Bilingual education of children. The St. Lambert experiment. Rawley MA: Newbury House, 1972.

Landurand, P. Personal interview, November 1980.

Larry P. v. *Wilson Riles*, 343 F. Supp. 1306, 502 F. 2nd 963 (9th Cir. 1974)

Lau v. *Nichols*, 44 US 563 (1974)

Leyba, C. F. Longitudinal study, Title VII bilingual programs, Santa Fe Public Schools, Santa Fe, New Mexico. Los Angeles: National Dissemination and Assessment Center, 1978.

Lesser, S. D. Improving bilingual instruction and services in special schools. Brooklyn NY: New York City Board of Education, Office of Educational Evaluation, June 1975.

Lora v. *Board of Education, New York*, 456 F. Supp. 1211 (1978)

Malherbe, E. G. Commentary to R. M. Jones, How and when do persons become bilingual? In L. G. Kelley, Ed., Description and measurement of bilingualism. Toronto: University of Toronto Press, 1969.

McConnell, B. B. (Individualized bilingual instruction): A validated program model effective with bilingual handicapped children. Paper presented at The Council for Exceptional Children Conference on the Exceptional Bilingual Child, New Orleans, February 1981.

Mercer, J. R. Labeling the mentally retarded: Clinical and social system perspective on mental retardation. Berkeley CA: University of California Press, 1973.

Modaino, N. Bilingual education for children of linguistic minorities. America Indigena, 28, 1968, pp. 405-414.

Osterburg, T. Bilingualism and the first school language. Umea, Sweden: Vasberbottens Tryekeri, 1961.

Palomino, J. E. Personal communication, January 1982.

Peal, E., & Lambert, W. The relation of bilingualism to intelligence. Psychological Monographs: General and Applied, 76 (27), 1962.

Peckham, R. F. (Opinion) *Larry P.* v. *Wilson Riles*, US District Court F of the Northern District of California, No. C-71-2270 RFP, 1974.

Project Build. Bilingual understanding incorporates learning disabilities. An ESEA Title VII Basic Bilingual Education Project, Community School District 4, New York, New York. Final Evaluation Report, 1979-80.

Richardson, M. W. Two patterns of bilingual education in Dade County, Florida. In I. E. Bird, Ed., Foreign language learning: Research and Development. Menasha WI: George Banta Co., 1968.

Robledo, M., Zarate, R., Zamora, M., & Cardenas, J. Colorado bilingual education cost analysis. San Antonio: Intercultural Development Research Association Newsletter, March 1982, p. 6.

Sanua, U. D. Bilingual program for the physically handicapped children, school year 1974-75. Brooklyn NY: New York City Board of Education, 1976.

Serna v. *Portales Municipal Schools*, 351 F. Supp. 1279 (N.D. Mex., 1972)

Taylor, M. E. An overview of research on bilingualism. Sacramento CA: California State Department of Education, 1970.

United Cerebral Palsy of New York v. *Board of Education of the City of New York*, 79 Civ. 560 (1979)

United States v. *Texas*, 342 F. Supp. 24 (ED Tex., 1971)

United States Congress. Public Law 93-112 (Rehabilitation Act of 1973), Section 504 USC 794 (1973). Section 504 Regulations, Federal Register, 42(163), August 23, 1977.

United States Congress. Public Law 89-10 (Elementary and Secondary Education Act of 1965,(as amended), 20 USC 241.

United States Congress. Public Law 94-142 (The Education for All Handicapped Children Act of 1975), 20 USC 1401. P.L. 94-142 Regulations, Federal Register, 42(86), May 4, 1977.

Weiss, R. S. Efficacy and cost effectiveness of an early intervention program for young handicapped children. Paper presented at the Handicapped Children's Early Education Program (HCEEP) Project Directors' Meeting, Washington DC, December 3, 1980.

Worral, A. Bilingualism and cognitive development. Unpublished doctoral dissertation, Cornell University, 1970. Microfilm No. DAE 31/04-13, Order No. 70-174.